



CONSUMERS OF LAWFUL RIGHTS

CLIENT RIGHTS

LA/DHH – Office for Citizens with Developmental Disabilities

GNOSSC Resource Center

MEDICAL SUPPORTS – OPERATION HOUSE CALL DIRECTOR

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Objectives:

- Describe rights that protect all citizens under the US Constitution and state law.
- Describe what is meant by the word respect and how it relates to the rights of people being served.
- Describe the responsibilities to provide people receiving services with information concerning their rights and ways the person may exercise those rights.
- Describe the roles of human rights committees for state facilities and client rights committees as a safeguard to protect client rights.
- Describe the term “outcome measure”.



Objectives:

- Describe what is meant by abuse, neglect and exploitation of people with disabilities.
- Describe the right to consent and refuse treatment, and the individuals responsibilities.
- Describe ways to tell people receiving services about their rights to be free from abuse, neglect and exploitation.
- Describe the rights of competent adults and minors receiving services to make decisions and choices in their lives.
- Describe ways to ensure informed decision and choice making of people receiving services.



CONSUMER RIGHTS

Client, or Consumer rights are the policies and procedures established to guarantee the dignity of the person being served and his/her safety, privacy, and freedom. The purpose of client rights is to help ensure that the person served will live as normal a life as possible while receiving services and care designed to meet treatment needs. Client rights policies and procedures serve as a guideline for clients and staff.





Right to Privacy

- Even when people who are receiving services in a facility, or live in group situations they have a right to privacy. The need for privacy is a cultural and an individual matter. Some people need privacy when they are upset or when they are tired. Some have a high need for privacy while others require less time alone. It is important to provide space and time for all people to have privacy to the extent that they desire in their home.



Freedom of association

- People who are receiving services still have the right to choose those with whom they wish to associate. Living situations should be set up to facilitate opportunities for people to freely choose friends and acquaintances from among the members of their community. If a person is adjudicated incompetent and has a guardian, he still can choose his friends and associates.



Freedom from cruel and unusual punishment

- The misconception about people with disabilities and their ability to feel pain or to learn has resulted in many cruel and unusual punishments being inflicted on them which would never be allowed for persons who do not have disabilities. Corporal punishment, seclusion and mental or physical abuse should never be used.



Right to marry, procreate and raise children

- This right is considered one of the most fundamental rights of any person. In the past there was a mistaken belief that people with disabilities would produce other people with disabilities and that this was something that must be prevented by sterilizing them. Because of the abuse of sterilization, a guardian may not consent to sterilization, only a court can make that determination.



Right to Consent or Refuse Treatment

- Right to Consent is Informed consent, and is a legal document prepared as an agreement for treatment, non-treatment, or for an invasive procedure that requires physicians to disclose the benefits, risks, and alternatives to the treatment, non-treatment, or procedure. It is the method by which a person may be involved in the choices about his or her health.
- Right to refuse treatment exists in the legal doctrine of informed consent. The basic legal justification for overcoming this right is the incompetence of the patient. Incompetence is also the central consideration in overcoming any constitutional right to refuse treatment. If a person has documentation that he is incompetent it is required that a neutral party be appointed as arbiter.



Right to Vote

- A person who desire to vote but cannot do so without assistance such as someone to read the ballot to him, or someone to assist with marking the choices must be provided with such assistance.





Freedom of speech and expression

- People should receive appropriate support to participate in self advocacy activities.





Equal protection of the law and due process

- Due process as it relates to the rights of people who receive services in our system is about fundamental fairness. People with disabilities whose rights are restricted for the purpose of protecting them from harm and or teaching them skills are entitled to the benefit of due process protection. Due process protections are required regardless of the person's competency and guardianship status.



Right to own property

- People with disabilities have the same rights to buy and sell property as others. When there has been a guardian of the estate appointed that person will have to assist the person in managing money and property. It should always be a goal for people to choose how to spend their money for personal items as they choose but the amount of assistance they require will vary.



Freedom of religious expression

- This right is the same for all citizens. It allows everyone to profess and practice any religion they choose. People who are receiving services may need support to practice the religion of their choice. This could include transportation and assistance to get material from religious groups and assistance to understand them. Religion is a private matter and should not be forced upon others. The free exercise of religion should not infringe on the rights of others.



Equal employment opportunity

- There is no right to a job for every citizen but there are laws protecting people with disabilities from employment discrimination both at the state and federal level.
- Discrimination against people with disabilities is prohibited if the person is “otherwise qualified” for the job. Both laws require employers to provide “reasonable accommodation” for the disability



Equal educational opportunity

- The Individuals with disabilities Education Act provides that all citizens from birth to 21 years must be provided a free, appropriate public education in the least restrictive environment. The child's parent's must be involved in the planning for that education and it must be individualized to meet the child's needs



Right to Life, Liberty and the pursuit of happiness...

OUTCOME MEASURES:

- People have the right to Choose Personal Goals
- People realize Personal Goals

*All people have the right to "Make a life" for themselves
Because we are all free!*





People Choose Where and with Whom they Live

- Right to freedom of association
- Right to consent or refuse treatment
- Right to life, liberty and the pursuit of happiness

Discuss Role and importance of ID Teams

Impact of roommates in schools or services



People choose how to use their free time, their daily Routine and are satisfied with Services

- Open discussion on...
- Rigid schedules
- Doing things a certain way just because that is the way we have always done them
- Making people fit the program rather than the program fit the person
- Treating people as groups rather than as individuals
- People are trained of their rights and responsibilities
- People are made aware of who they need to talk to if they are not satisfied with their services



People have Friends, Intimate Relationships, Experience Continuity and Security

- Open discussion on...
- Rights that are afforded to meet above outcomes





People have time, space, Opportunity for Privacy, and Respect

- Open discussion on..
- Knocking on doors and waiting to be invited in
- Strict confidentiality of written records
- Staff talking about individuals on a "need to know basis"



People have the Best Possible Health

- Open discussion on the above outcome as it relates to...
- Informed consent
- Right to refuse
- Responsibility of the person if they refuse health treatments, and or medications
- Organizational policy and procedures



Contact Information:

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